

DECLARATION, POWER OF ATTORNEY, AND PETITION

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated immediately below next to

my name:

Full name of inventor: Merrill A. Biel

Residence (City/State): Minneapolis, Minnesota

Mailing Address: 2715 4th Street Southeast, Suite 70

Citizenship: United States

I believe I am an original, first, and sole inventor (if only one name appears above) or an original, first, and joint inventor (if plural names appear above) of the subject matter which is claimed and for which a patent is sought on the invention entitled Photodynamic Therapy Utilizing a Solution of Photosensitizing Compound and Surfactant, the specification of which is attached hereto;

I state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein;

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a), including any public use, sale, or offer for sale of the disclosed invention occurring more than one year prior to the filing date of said prior application.

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed pursuant to §119 (a) or of any provisional patent application(s) listed pursuant to §119(e) and have identified any such application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: none

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the

first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. pat. app. Ser. No. 09/139,866, filed August 25, 1998, and copending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, Frederick W. Niebuhr, Registration No. 27,717, John F. Klos, Registration No. 37,162 and LARKIN, HOFFMAN, DALY & LINDGREN, LTD., 1500 Norwest Center, 7900 Xerxes Avenue South, Bloomington, Minnesota 55431-3333, my attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith and the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continuation, continuation-in-part, divisional, reexamination, or reissue thereof.

All communications shall be addressed to:

John F. Klos, Attorney, Registration No. 37,162  
Larkin, Hoffman, Daly & Lindgren, Ltd.  
1500 Norwest Center  
7900 Xerxes Avenue South  
Bloomington, Minnesota 55431-3333  
(612) 896-1520

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the above-referenced specification and claims, and I hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: BIEL, Merrill A. )  
Serial No: )  
Filing Date: February 25, 2000 )  
Title: Photodynamic Therapy Utilizing a )  
Solution of Photosensitizing )  
Compound and Surfactant )

PATENT

Art Group Unit:

Examiner:

VERIFIED STATEMENT

Honorable Commissioner of Patents and Trademarks  
c/o ASSISTANT COMMISSIONER OF PATENTS  
Washington, D.C. 20231

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR §1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention Photodynamic Therapy Utilizing a Solution of Photosensitizing Compound and Surfactant described in the specification filed herewith.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a non-profit organization under 37 CFR §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention listed below: Advanced Photodynamic Technologies, Inc.

NAME Advanced Photodynamic Technologies, Inc.  
ADDRESS 2715 4<sup>th</sup> Street, S.E. Suite 70, Minneapolis, MN 55414

Individual

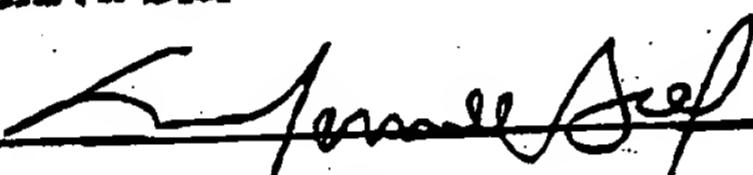
Small Business Concern

Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

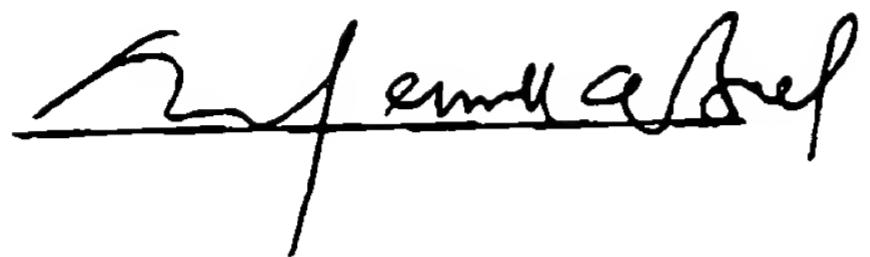
Name of inventor: Merrill A. Biel

Inventor's Signature: 

Date: 2/25/00

Full name of inventor: Merrill A. Biel

Inventor's signature:



Date: February 26, 2000.

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U.S. PATENT AND TRADEMARK OFFICE  
SEARCHED  
SERIALIZED  
INDEXED  
FILED  
FEB 26 2000  
MERRILL A. BIEL